

**Village of Brewster
Planning Board Meeting Minutes
July 21, 2020**

BOARD MEMBERS IN ATTENDANCE:

Rick Lowell, Chairman
Janet Ward, Vice Chairperson
Marti Foster
George Gaspar, Village Board Liaison

BOARD MEMBERS ABSENT:

Katy New
David Kulo
Greg Folchetti, Attorney - Costello & Folchetti

Chairman Lowell led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:40pm.

REGULAR MEETING:

Chairman Lowell made a motion to open the regular meeting. This was seconded by Boardmember Ward and passed unanimously.

The minutes of the June 16, 2020 meeting were discussed. The motion to approve the June 16, 2020 minutes as amended was introduced by Chairman Lowell, seconded by Boardmember Foster and passed all in favor.

The minutes of the June 30, 2020 meeting were discussed. The motion to approve the June 30, 2020 minutes as amended was introduced by Chairman Lowell, seconded by Boardmember Ward and passed all in favor.

LOCAL LAW #1 – VILLAGE OF BREWSTER CODE:

The motion to open the discussion of proposed amendment to The Village of Brewster Village Code regarding outdoor dining was introduced by Boardmember Foster, seconded by Boardmember Ward and passed all in favor. Chairman Lowell said this is to review a Local Law that has been updated weekly by the Village Board since Governor Cuomo allowed outdoor dining to begin and this is to extend the Law to the end of the year or the termination of the emergency, whichever comes first. He said the Law states until 100% indoor capacity is allowed or December 31, 2020. Boardmember Ward said it is in section B (2).

The Board discussed the Local Law for temporary dining. Boardmember Ward read section B(3) *“dining location areas that are operated pursuant to parking area, sidewalk, deck, patio, terrace, lawn area, garden area, or any other area deemed appropriate by the Building Department in accordance with the criteria set forth herein, as long as such area is within reasonable proximity to the restaurant to allow for safe and efficient food service to patrons.”* She said my thought was: are barriers such as at Moonlight Café required everywhere else and how safe is it to have outdoor dining at Domino’s.

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Chairman Lowell said Domino's doesn't have indoor dining currently that they are using so they do not qualify for outdoor dining, but that will be up to the Building Department to determine if they qualify and how to proceed. The barriers were required by the Building Department, he said, and would be required as appropriate or maybe other barriers.

Boardmember Ward said section (5)ii which is "*The outdoor dining area may be located on public or private property*" and my thought is for example with the library parking area, is that Town property and then it looked like section (5) ix sort of addresses that with if it's not the restaurant's property then they need a letter signed by the property owner that says it is OK with the outdoor dining. In section (5) ix it says a Certificate of Insurance has to be issued and is that insurance in section ix in addition to the insurance that's required in section 4 and in this section, it doesn't say that an insurance certificate needs to be provided, which I think it should say that. Mr. Gaspar said first of all we are here to keep our restaurants vibrant and hopefully around after all this is over and operational. He said Moonlight Café wanted to be out on the sidewalk and the sidewalk under the cover is not on his property, it's the property of the landlord so he had to provide the Building Department with a notification from the landlord that he was in favor and that they had no issues with it. Once that was provided to us, he said, Moonlight Café had to provide all the insurance to go with that as well as providing the Building Department the specifications of their outdoor dining to include the barriers. Boardmember Foster said in the case where they are setting up dining on property that's not theirs that's going to be double insurance: for the restaurant itself and for the property owner. Chairman Lowell said it's not necessarily double insurance, but whomever holds the insurance that covers that has to issue a certificate naming the other party. Mr. Gaspar said yes and it's usually the restaurant owner. Boardmember Ward said right, but section 4 does not require a Certificate of Insurance, it just requires them to have the insurance with the Village of Brewster being named as a certificate holder. Chairman Lowell said they would have to be a certificate holder to give a certificate so it would be sent to the Village regardless. Boardmember Ward said section ix looks like it's in addition to section (4). Chairman Lowell said I think this is one of those instances where one paragraph fortifies the other; what's not in one is in the other one and you do have to meet both requirements.

Boardmember Foster said should there be a specific provision in case there is inclement weather as we do not want everyone dining outdoors to run inside. Mr. Gaspar said I'm going by common sense and saying if there is an opportunity for inclement weather I am not going to go outside and I am not going to go eat outside. Chairman Lowell said I would say you dine at your own risk.

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The Planning Board recommends that the outdoor dining amendment to Section 263-201(5) of the Village Code be approved by the Village Board. The motion to recommend approval the amendment to the Village Code Section 263-201(5) known as outdoor dining was introduced by Boardmember Foster, seconded by Boardmember Ward and passed all in favor.

NEW BUSINESS:

None.

Chairman Lowell made a Motion to adjourn the meeting, seconded by Boardmember Ward, and passed all in favor.